

09/242215 PAT

Attorney Docket  
No. 013258.0172



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

300 Rec'd PCT/PTO 08 FEB 1999

MCANALLEY ET AL.

Serial No. N/A

Group Art Unit: N/A

Based upon International Application  
Serial No. PCT/US97/13379

Examiner: N/A

Filed: FEBRUARY 8, 1999

For: COMPOSITIONS OF PLANT CARBOHYDRATES AS DIETARY SUPPLEMENTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAIL BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EL210446946US

Date of Deposit: February 8, 1999

I hereby certify that the attached Filing Under 35 U.S.C. 371 comprising the following documents is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date of deposit indicated above.

- Transmittal Letter;
- Filing fee in the amount of \$710;
- Declaration;
- Recordation Form Cover Sheet and Assignment;
- Preliminary Amendment;
- Information Disclosure Statement, Form PTO-1449 and references; and
- Return postcard.

Ellen Lovelace

(Typed Name of Person Depositing  
Envelope in Express Mail Facility)

Ellen Lovelace  
Signature

Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
P.O. Box 688  
Dallas, TX 75313-0688  
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#201101

414 Rec'd PCT/PTO 8 FEB 1999

FORM PTO-1390  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

013258.0172

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/242215

INTERNATIONAL APPLICATION NO.

PCT/US97/13379

INTERNATIONAL FILING DATE

04 AUGUST 1997

PRIORITY DATE CLAIMED

09 AUGUST 1996

TITLE OF INVENTION

COMPOSITIONS OF PLANT CARBOHYDRATES AS DIETARY SUPPLEMENTS

APPLICANT(S) FOR DO/EO/US

McAnalley et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$970.00International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS** PTO USE ONLY

\$ 670.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ -0-

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	17 - 20 =	0	X \$18.00	\$ -0-
Independent claims	1 - 3 =	0	X \$78.00	\$ -0-
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$ -0-

**TOTAL OF ABOVE CALCULATIONS =**

\$ 670.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$ -0-

**SUBTOTAL =**

\$ 670.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ -0-

**TOTAL NATIONAL FEE =**

\$ 670.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 40.00

**TOTAL FEES ENCLOSED =**

\$ 710.00

Amount to be:	\$
refunded	
charged	\$

a. ☒ A check in the amount of \$ 710.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 01-0657. A duplicate copy of this sheet is enclosed.**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met a petition to revive (37 CFR  
1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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NAME

31,213

REGISTRATION NUMBER